

MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, FEBRUARY 19, 2002
COUNTY COMMISSIONERS CHAMBERS
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Norm Agena, County Assessor
Doug Cyr, Deputy County Attorney
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

Absent: David Johnson, Deputy County Attorney
Trish Owen, Deputy County Clerk

The Board of Equalization meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, February 12, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Hudkins moved and Heier seconded approval of the minutes of the Board of Equalization meeting dated February 12, 2002. Hudkins, Workman, Heier and Stevens voted aye. Campbell abstained from voting. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 101 additions and deductions to the tax assessment rolls per Exhibit A.

MOTION: Heier moved and Campbell seconded approval of the additions and deductions. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Catholic Bishop of Lincoln
CenterPointe, Inc. (2 exemptions)
Cornhusker Place of Lincoln- Lancaster County, Inc.
Gates of Praise
Indian Center, Inc.
Nebraskans for Public Television, Inc.
Saint Elizabeth Regional Medical Center
Salvation Army

MOTION: Heier moved and Campbell seconded approval of motor vehicle tax exemptions for the Catholic Bishop of Lincoln, CenterPointe, Inc., Gates of Praise, Indian Center, Inc., Nebraskans for Public Television, Inc. and the Salvation Army and to also approve motor vehicle tax exemptions for Cornhusker Place of Lincoln-Lancaster County, Inc. and Saint Elizabeth Regional Medical Center subject to the vehicle(s) being titled and registered to the applicant. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **SETTING OF PUBLIC HEARINGS FOR NOTICE OF VALUATION CHANGE:**

Setting of public hearings for Tuesday, March 5, 2002 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for notice of valuation change for omitted or undervalued property for the following:

Chuck Schmidt Construction Inc. (3 notices)
Michael & Kristi Egger
Lincoln Lumber Company
Owen L. & Rebecca L. Henderson

MOTION: Heier moved and Campbell seconded to set public hearings for Tuesday, March 5, 2002 at 2:30 p.m. for notice of valuation change for undervalued or omitted property for Chuck Schmidt Construction Inc., Michael & Kristi Egger, Lincoln Lumber Company and Owen L. and Rebecca L. Henderson. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY FOR:**

Scott A. and Kathy L. Krause

Norm Agena, County Assessor, explained that a garage had been omitted from the property for 1996 through 2001. A new valuation of \$457,710 was recommended.

MOTION: Campbell moved and Heier seconded to accept the County Assessor's recommendation and set a new value of \$457,710 on property for Scott A. and Kathy L. Krause. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned at 1:35 p.m.

Bruce Medcalf
County Clerk

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Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Kathy Campbell
Larry Hudkins
Ray Stevens

Others Present: Doug Cyr, Deputy County Attorney
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

Absent: David Johnson, Deputy County Attorney
Trish Owen, Deputy County Clerk

The Board of Commissioners meeting was convened at 1:35 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, February 12, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

MOTION: Heier moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated February 12, 2002. Hudkins, Heier, Workman and Stevens voted aye. Campbell abstained from voting. Motion carried.

- 2) **CLAIMS FOR REVIEW:**

There were no claims for review.

- 3) **CLAIMS:** Approval of all claims processed through Tuesday, February 19, 2002.

MOTION: Stevens moved and Hudkins seconded approval of the claims processed through February 19, 2002. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

- A. A petition from ten percent of the property owners within the Deerhaven Acres Subdivision for formation of a Special Paving Improvement District for the paving of Deerhaven Drive, South 63rd Street, Doe Drive, Doe Circle, Trophy Road and South 60th Street, all located within the Deerhaven Acres Subdivision in Lancaster County, Nebraska.**

The Chair opened the public hearing.

Doug Cyr, Deputy County Attorney, explained that the County Board's role in the process was to receive testimony regarding the boundaries of the district and support and/or opposition from the property owners within the proposed district. He further stated that the County Board would need to make a motion to approve or deny the creation of the paving district and a written order would need to be entered within one week of the public hearing date creating the paving district.

The Chair asked if anyone wished to testify in favor of the petition.

Jim Peschong, 10901 South 60th Street, appeared in favor of creating the special paving improvement district for Deerhaven Acres. He stated there are 20 acreages located within the development and approximately 75 percent of the property owners are in favor of the paving district. Peschong stated Deerhaven Drive, South 63rd Street, Doe Drive, Doe Circle, Trophy Road and South 60th Street are located within the subdivision.

Campbell asked Don Thomas, County Engineer, if he had reviewed the petition.

Thomas stated the petition was reviewed and meets all criteria.

The Chair asked if anyone wished to testify in opposition or in a neutral position.

No one appeared and the hearing was closed.

MOTION: Campbell moved and Stevens seconded to direct the County Attorney's Office to develop the appropriate motions for a vote on the subdivision request and the boundaries as presented during the public hearing. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) NEW BUSINESS:

- A. An agreement between Lancaster County and the Child Advocacy Center to conduct interviews and medical examinations of child abuse victims to aid law enforcement and prosecution in their investigations of child abuse. The term of the agreement began October 1, 2001 and ends September 30, 2002. The County will pay \$15,000 for these services. (C-02-57)**

Terry Wagner, County Sheriff, explained that \$10,000 would come from the County Attorney's budget and \$5,000 would come from the Sheriff's budget.

Cyr stated he had noted that the contract had called for the payment of \$15,000, however, the contract was silent as to a payment schedule. He stated there should be clarification as to the payment schedule.

MOTION: Campbell moved and Heier seconded approval of an agreement with Child Advocacy Center subject to clarification of the payment schedule by the County Attorney's Office. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

- B. A utility agreement with Norris Public Power District of Beatrice for the adjustment of utilities as they affect construction on Firth Road at the Burlington Northern Santa Fe Railroad designated as Project C55-X-402(5), Firth Viaduct. The County will pay up to \$31,000 for moving the utilities. (C-02-58)**

MOTION: Campbell moved and Hudkins seconded approval of a utility agreement with Norris Public Power District of Beatrice. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

- C. An interlocal agreement with Lincoln Electric System (LES) for acquisition of property interests of various property owners in conjunction with an LES line transmission project and a County road project generally located from 19th Street and Alvo Road to Northwest 12th Street and Arbor Road. The County will pay for the right-of-way expenses for interests in properties the County needs for its project. (C-02-59)**

Charles Humble, attorney representing Lincoln Electric System, appeared and gave a brief overview of the project.

5) **NEW BUSINESS CONTINUED:**

MOTION: Campbell moved and Stevens seconded approval of an interlocal agreement with Lincoln Electric System. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

D. An agreement with Election Systems and Software, Inc. for a voter tabulation system and services agreement for the Lancaster County Election Commission Office. The County will pay \$29,475 for the equipment, license fees and support services. (C-02-60)

Dave Shively, Election Commissioner, explained that the contract is in relation to their absentee voting machines and absentee software.

MOTION: Campbell moved and Stevens seconded approval of an agreement with Election Systems and Software, Inc. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

E. An agreement with the City of Lincoln to have the County, through the services of the Lancaster County Cooperative Extension Office, supply educational kits entitled: "Garbology: A Waste Watchers Guide" to 2,500 second graders in 42 Lincoln/Lancaster County schools in the 2001-2002 school year. The County will receive \$10,650 for the services. (C-02-61)

MOTION: Hudkins moved and Campbell seconded approval of an agreement with the City of Lincoln. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

F. An agreement with Clyde Malone Community Center for care coordination and wraparound services as they relate to the Families First and Foremost project to assist juveniles with severe emotional distress, who are in danger of contact with the juvenile justice system. The term of the agreement began September 1, 2001 and ended December 1, 2001. The cost to the County is \$12,083.85. (C-02-62)

MOTION: Campbell moved and Heier seconded approval of an agreement with Clyde Malone Community Center.

5) **NEW BUSINESS CONTINUED:**

In response to a question asked by Stevens, Cyr stated it concerned him that the County would enter into a contract when the term of the contract had expired. He stated that it also concerns him that an itemized statement setting forth labor that was provided was not included when it is a requirement of the contract.

Campbell stated she thought the County Attorney's Office had recommended that there be a contract of record even though the payment had been authorized.

ROLL CALL: Hudkins, Heier, Workman and Campbell voted aye. Stevens voted no. Motion carried.

G. A resolution in the matter of transferring remaining appropriations from the General Fund Lancaster County District Court Probation to the Lancaster County Court Probation Office. (R-02-21)

MOTION: Campbell moved and Heier seconded approval of Resolution 02-21. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

H. A resolution authorizing the following traffic signs in Hickman Estates Subdivision located in Lancaster County, Nebraska: (R-02-22)

At the intersection of Roca Road and Hickman Ridge Road:

- ▶ Install a "Stop" sign for northbound traffic.
- ▶ Install street identification signs.
- ▶ Install a 25 mile per hour speed limit sign for southbound traffic.

At the intersection of Hickman Ridge Road and Darrell Court and Darrell Street:

- ▶ Install street identification signs.
- ▶ Install a "No Outlet" sign for eastbound traffic on Darrell Street.

At the intersection of Hickman Ridge Road and South 72nd Street:

- ▶ Install street identification signs.

At the intersection of Leisure Lane and Leisure Court and Leisure Circle:

- ▶ Install street identification signs.

5) **NEW BUSINESS CONTINUED:**

At the intersection of Leisure Lane and South 68th Street:

- ▶ **Install a 25 mile per hour speed limit sign for eastbound traffic.**

All signs will be paid for by the developer and installed by the County.

MOTION: Heier moved and Campbell seconded approval of Resolution 02-22. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

- I. **Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid for channel work at County Bridge M-178, located at approximately Southwest 126th Street between "O" and "A" Streets, to B-Y Excavating, Inc., in the amount of \$22,290.86. (B-02-06)**

MOTION: Campbell moved and Stevens seconded approval. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

- J. **Recommendation from the Purchasing Agent and the Lancaster County Engineer to award a bid to L.J. Webb Contractor, Inc., in the amount of \$262,922.64, for labor, materials and equipment for maintenance of concrete box culverts at various locations within Lancaster County, Nebraska. (B-02-07)**

Don Thomas, County Engineer, noted that the bid was 15 to 18 percent below their estimate.

MOTION: Heier moved and Stevens seconded approval. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

- K. **Reappointment of Allison Redding to the Commissioners Award of Excellence Committee for a two-year term beginning February 1, 2002 and ending January 31, 2004.**

MOTION: Heier moved and Hudkins seconded approval. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- L. **A one step pay increase, due to exceptional circumstances, for Holly Newton, an employee with the Community Mental Health Center.**

MOTION: Hudkins moved and Campbell seconded approval. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

5) **NEW BUSINESS CONTINUED:**

M. A request from Thomas H. Olson for a refund of 2000 personal property taxes, in the approximate of \$12.89.

MOTION: Heier moved and Campbell seconded approval of a refund of 2000 personal property taxes, in the approximate amount of \$12.89, for Thomas H. Olson. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

N. A request from Pinnacle Towers Inc. for a refund of 2000 personal property taxes, in the approximate amount of \$206.73.

MOTION: Hudkins moved and Stevens seconded approval of a refund of 2000 personal property taxes, in the approximate amount of \$206.73, for Pinnacle Towers Inc. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

1. Register of Deeds Monthly Report for January, 2002.
2. Lancaster Manor's Monthly Report.
3. Lancaster County Noxious Weed Control Authority's Monthly Report for January, 2002.
4. Lancaster County Noxious Weed Control Authority's Monthly Report for January, 2002 for the Combined Weed Program with the City of Lincoln.
5. Lancaster County Management Letter for the year ended June 30, 2001.
6. Financial Statements and Independent Auditor's Reports for Lancaster County for the year ended June 30, 2001.
7. Financial Statements and Independent Auditor's Report for the Lancaster County Leasing Corporation for the years ended June 30, 2001 and 2000.

6) CONSENT ITEMS CONTINUED:

B. Setting of public hearings for Tuesday, March 5, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:

1. Automatic renewal of retail liquor and beer licenses issued in Lancaster County and outside the corporate limits of any city, pursuant to Resolution 5351 adopted July 2, 1995 for which the County Clerk has received no protests.

2. Renewal of a retail liquor license for DLH, Inc. d/b/a Coaches Bar and Grill for which the County Clerk has received three or more written protests, pursuant to Neb. Rev. Stat. §53-135.01.

C. Setting of public hearings for Tuesday, March 12, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building for the following:

1. County Special Permit 190, Deer Trail Community Unit Plan (formerly known as Deer Field Community Unit Plan), requested by Brian D. Carstens and Associates on behalf of Robert D. Doolittle, consisting of five single family acreage lots, on property generally located at Highway 77 and Martell Road in Lancaster County, Nebraska.

2. County Preliminary Plat 01018, Deer Trail (formerly known as Deer Field), requested by Brian D. Carstens and Associates on behalf of Robert D. Doolittle, consisting of five single family acreage lots, on property generally located at Highway 77 and Martell Road in Lancaster County, Nebraska.

D. A request from John Helter, an employee at Lancaster Manor, to voluntarily participate in Lancaster County's Retirement Plan.

E. A resolution in the matter of County Miscellaneous 01014: Text Amendment to the County Subdivision Resolution regarding final plat submittals, requested by the Director of Planning, to require that the size of each sheet of a final plat submittal be 16 by 22 inches, as opposed to 16 by 24 inches, to be consistent with the requirements of the City Subdivision Ordinance. (R-02-23)

6) CONSENT ITEMS CONTINUED:

- F. A service and hardware agreement with Standard Register for an electric signer located in the Lancaster County Assessor's Office, beginning January 1, 2002 and ending December 31, 2002, in the amount of \$187.20. (C-02-63)
- G. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:
- ▶ Richard and Debra Leuty, in the total amount of \$6,315.86, in connection with the Firth viaduct; Project C55-X-402(5). (C-02- 64 and C-02-65)
 - ▶ David and Kathleen Hobelman, in the amount of \$4,980.50, in connection with the Firth viaduct; Project C55-X-402(5). (C-02-66)
 - ▶ David Meinke, in the amount of \$226.25, one-half mile north of West Pella Road and Southwest 114th Street; Project C.P.V-36. (C-02-67)
 - ▶ Russell and Grace Pickel, in the amount of \$131.75, one-half mile north of West "A" Street on Northwest 126th Street; Project 02-35 (BR-M-178) (C-02-68)

MOTION: Heier moved and Hudkins seconded approval of the Consent Items. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

7) ADJOURNMENT:

MOTION: At 2:15 p.m. Campbell moved and Stevens seconded adjournment of the Board of Commissioners meeting. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

Bruce Medcalf
County Clerk